

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 36609 of 2015 (A)

PETITIONER(S):

**M.K.PRADEEP, AGED 44 YEARS,
S/O.KRISHNAN, MADATHIPARAMBIL HOUSE,
NEAR TEACHERS COLONY, PURANATTUKARA P.O.,
THISSUR DISTRICT.**

**BY ADVS.SMT.BINDUMOL JOSEPH
SRI.B.S.SYAMANTHAK**

RESPONDENT(S):

- 1. SYNDICATE BANK,
PURANATTUKARA BRANCH,
REPRESENTED BY ITS BRANCH MANAGER,
SRI.RAMA KRISHNA MUTT BUILDINGS, PURANATTUKARA,
THRISSUR-680551.**
- 2. BRANCH MANAGER,
SYNDICATE BANK, PURANATTUKARA BRANCH,
SRI.RAMA KRISHNA MUTT BUILDINGS, PURANATTUKARA,
THRISSUR-680551.**
- 3. DEPUTY TAHSILDAR (REVENUE RECOVERY),
TALUK OFFICE, THRISSUR-680020.**
- 4. VILLAGE OFFICER,
VILLAGE OFFICE, PURANATTUKARA VILLAGE,
PURANATTUKARA P.O., THRISSUR 680551.**

**R1 & 2 BY SRI.R.S. KALKURA, SC
R3 & 4 BY GOVERNMENT PLEADER SRI.R.RENJITH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE NOTICE ISSUED BY THE R5 TO THE PETITIONER DATED 12/8/15**
- P2- TRUE COPY OF THE LAWYER NOTICE DATED 9/10/15 ISSUED TO THE PETITIONER**
- P3- TRUE COPY OF THE DEMAND NOTICE COLLECTORATE FILE NO.2015/67984/8, TALUK (RR2) FILE NO2015/6357/8/600 IN FORM.1 UNDER SECTION 7 OF THE REVENUE RECOVERY ACT ISSUED BY THE R3 DATED 23/11/15**
- P4- TRUE COPY OF THE DEMAND NOTICE COLLECTORATE FILE NO.2015/67984/8, TALUK (RR2) FILE NO.2015/6357/8/600 UNDER SECTION 34 OF THE REVENUE RECOVERY ACT ISSUED BY THE R3 DATED 23/11/15.**
- P6: TRUE COPY OF THE AUDIT REPORT IN FORM NO.13 & 13A SUBMITTED Y THE PETITIONER ON 11/3/15**
- P7: TRUE COPY OF THE NOTICE POSTING THE APPEAL FOR HEARING TO 4/11/15 DATED 26/10/15.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 36609 of 2015

Dated this the 3rd day of December, 2015

JUDGMENT

The petitioner, who had availed of a term loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Kerala Revenue Recovery Act, to recover the loan amounts. Exts.P3 and P4 are the demand notices issued to the petitioner under the Revenue Recovery Act. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Standing Counsel appearing on behalf of the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I note that the sole prayer of the petitioner is to permit him to remit the balance amounts outstanding to the bank in easy installments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

- (i) The total outstanding amount, in respect of the loan as of today, is stated to be Rs.1,95,000/- together with accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.1,95,000/- together with accrued interest in twelve equal and successive monthly installments commencing from 10.01.2016, then the recovery steps initiated against him by the respondent bank shall be kept in abeyance.
- (ii) It is made clear that if the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against him from the stage at which they presently stand.

sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE